IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

SPECIAL LEAVE TO APPEAL APPLICATION NO.22 OF 2001
(Old No.23 of 2000)

Bal Krishan Mittal S/o Late Sri K.M. Mittal,
R/o 188/2 Rajpur Road, P.S. Rajpur, Distt. Dehradun
... Applicant

Versus

1. Bipin Chandra Tewari S/o Pitamber Dutt Tewari, R/o 159/1 Kishenpur, residence of Dr. Bawa, Rajpur Road, P.S. Rajpur, Dehradun at present R/o Vill. Gujrada, P.S. Rajpur, Distt. Dehradun
2. The State

... Opposite Parties

Dated: October 30,2007

HON. DHARAM VEER, J.

This application, preferred u/s 378(4) of Code of Criminal Procedure, 1973 (Hereinafter to be *referred* as Cr.P.C.) with a prayer to grant leave to appeal to the applicant against the judgment and order dated 5.5.2000 passed by judicial Magistrate I, Dehradun in Complaint Case No.1180 of 1991, Bal Krishan Mittal v. Vipin Chandra Tewari, whereby the learned Magistrate has acquitted the respondent for an offence punishable u/s 420, IPC.

After the transfer of the case from Allahabad High Court, the notices were issued to applicant and respondent on 13 .9.2007 and in compliance of that order, service upon the apllicant was reported to be sufficient. However, CJM, Dehradun vide his report dated 4.10.2007 has informed that respondent-Bipin Chandra Tewari had died on 17.2.2007.

In view of the fact that the respondent-Bipin Chandra Tewari had died on 17.02.2007, the appeal against the respondent Bipin Chandra Tewari stands abated.

Hence, the leave to appeal is refused. Leave to appeal application is disposed of accordingly.

(Dharam Veer, J.)

Rajeev Dang